

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ROBERT GRIZZLE,
Institutional ID No. 1998719,

Plaintiff,

v.

BRYSON MCINTIRE, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:22-CV-017-BQ

JUDGMENT

On October 31, 2022, an “Order of Partial Dismissal” was filed in this case. In accordance with Rule 54(b) of the Federal Rules of Civil Procedure, the Court finds that there is no just reason for delay and directs entry of a final judgment of dismissal as to the following:

1. All claims against the following Defendants in their individual capacities: Texas Department of Criminal Justice (TDCJ) Director Bryan Collier; Smith Unit Warden Jim Webb; Smith Unit Assistant Warden Cody Parker; Smith Unit Assistant Warden Michael Miller; Smith Unit Sergeant Gerardo Sanchez; Smith Unit Sergeant Rene Robles; Smith Unit Correctional Officer (CO) Maria Guerra; Smith Unit CO Ruben Garcia; Smith Unit CO Clemente Olvera III; Smith Unit CO Anthony Taylor; Smith Unit Medical Director Terri Rose; Smith Unit Nurse Kelly Brown; Smith Unit Nurse L. Smith; Smith Unit Nurse Jessica Rojas; Montford Unit Warden Andrea B. Lozada; Montford Unit Assistant Warden David Reed Jr.; Montford Unit Captain Adam Ybarra; Montford Unit Captain Michael Session; Montford Unit Captain Bryan L. Luna; Montford Unit Sergeant Amber Hansen; Montford Unit Sergeant Devin Esquivel; Montford Unit Sergeant Jericka Evans; Montford Unit Major Ricardo Ramirez; Montford Unit CO Madison Hendricks; Montford Unit CO Robin Bolla; Montford Unit CO Steven Hammond; Montford Unit CO Aaron Baughman; Montford Unit CO Jordan Chavez; Montford Unit CO Rachel Longoria; Montford Unit CO Forrest Milton; Montford Unit CO Nathan Shaffer; Montford Unit Doctor Ricky T. Bureslia; Montford Unit Psych Counselor Lindsey Hummel; Montford Unit Nurse Jane Doe #1; Montford Unit Nurse Jane Doe #2; Montford Unit Nurse Jane Doe #3; Montford Unit CO Jane Doe #4; Montford Unit Nurse Jane Doe #5; Montford Unit Nurse Jane Doe #6; Montford Unit Nurse Jane Doe #7; Jane Doe #8; John Doe #1; Montford Unit CO John Doe #2; Montford Unit Captain John Doe #3; Montford Unit Sergeant John Doe #4; Montford Unit Lieutenant John Doe #5; Montford Unit Nurse John Doe #6; Smith Unit CO John Doe #7; John Doe #8; Smith Unit CO John Doe #9; Montford Unit Nurse John Doe #10; John Doe #11; John Doe #12; and John Doe #13. Such claims include,

but are not limited to, those for relief under the American with Disabilities Act (ADA) and Rehabilitation Act (RA) as well as those asserting constitutional violations under 42 U.S.C. § 1983;

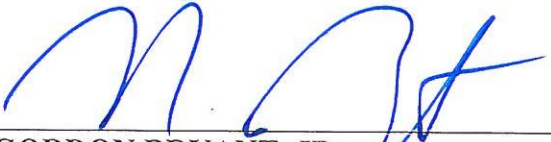
2. Except for the excessive force claim under § 1983, all claims against Defendant McIntire in his individual capacity;
3. All claims against all Defendants in their official capacities;
4. All § 1983 claims against the State of Texas and its instrumentality, TDCJ; and
5. All claims for punitive damages under the ADA/RA.

It is, therefore,

ORDERED that the foregoing claims are **DISMISSED with prejudice**, except for any claim against Defendant McIntire for property deprivation pursuant to or consistent with existing state policies, which is **DISMISSED without prejudice**. This is a final judgment with respect to the claims and Defendants listed herein. The only claims remaining are (1) the ADA/RA claims for compensatory damages and declaratory relief against TDCJ and the State of Texas, and (2) the § 1983 excessive force claim against Defendant McIntire in his individual capacity, as described in the dismissal order. *See* ECF No. 16.

SO ORDERED.

Dated: November 1, 2022.



D. GORDON BRYANT, JR.
UNITED STATES MAGISTRATE JUDGE